

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, *et al.*,

Plaintiffs,

v.

VIMEO, LLC d/b/a VIMEO.COM, *et al.*,

Defendants.

Case No. 09 Civ. 10101 (RA)

EMI BLACKWOOD MUSIC, INC., *et al.*,

Plaintiffs,

v.

VIMEO, LLC d/b/a VIMEO.COM, *et al.*,

Defendants.

Case No. 09 Civ. 10105 (RA)

**FINAL JUDGMENT**

Defendants in the above-captioned consolidated actions having moved for summary judgment that they qualify for the safe-harbor limitations on liability of the Digital Millennium Copyright Act, 17 U.S.C. § 512 *et seq.*, as against all of Plaintiffs’ direct and secondary federal and common law copyright infringement claims and unfair competition claims, and such motions having come before the Honorable Ronnie Abrams, United States District Judge, and the Court thereafter having rendered a Memorandum and Opinion dated September 18, 2013, an Opinion and Order dated December 31, 2013, an Opinion and Order dated March 31, 2018, and an Opinion and Order dated May 28, 2021 granting Defendants’ motions for summary judgment on all claims except for 26 videos-in-suit (encompassing the 27 alleged infringements listed in Exhibit A and incorporated herein by reference) (the “Remaining Claims”); and

The parties having stipulated, and the Court having so ordered on August 26, 2021, that:

(i) Plaintiffs' claims for relief in this litigation on all of the asserted videos-in-suit except for the Remaining Claims are disposed of by the September 18, 2013, December 31, 2013, March 31, 2018, and May 28, 2021 orders of this Court; (ii) the Remaining Claims will be voluntarily dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(2) and the terms and conditions set forth in the parties' Stipulation and Order that was so ordered on August 26, 2021, including that one or more of the Remaining Claims may be refiled only if Plaintiffs prevail on any of the other claims on appeal of this Judgment such that the Court's prior disposition of any of those claims is vacated or reversed; and (iii) there are no claims for relief that remain to be adjudicated; now, therefore,

**IT IS ORDERED, ADJUDGED AND DECREED** that: (i) for the reasons set forth in the Court's Memorandum and Opinion dated September 18, 2013, Opinion and Order dated December 31, 2013, Opinion and Order dated March 31, 2018, and Opinion and Order dated May 28, 2021, and pursuant to the Stipulation and Order that was so ordered by the Court on August 26, 2021, judgment is hereby entered for Defendants, and against Plaintiffs, dismissing all of Plaintiffs' claims with prejudice (except for the Remaining Claims listed in Exhibit A) in both of the above-captioned actions and; (ii) pursuant to the terms and conditions of the Stipulation and Order that was ordered by the Court on August 26, 2021, the Remaining Claims listed in Exhibit A are dismissed without prejudice. The time to submit a bill of costs and to file

//

//

//

a motion for attorneys' fees is extended until thirty (30) days after the issuance of the mandate with respect to any appeal from this Judgment.

**SO ORDERED.**

Dated: November 1, 2021  
New York, New York



---

Hon. Ronnie Abrams, U.S. District Judge

Entered: \_\_\_\_\_, 2021  
New York, New York

---

Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk of Court

# EXHIBIT A

**EXHIBIT A**

<b>MSJ Video No.</b>	<b>Vimeo ID</b>	<b>Schedule</b>	<b>Artist</b>	<b>Track</b>	<b>Vimeo URL</b>
<b>4</b>	239389	Capitol Sched. A (original)	Blondie	Call Me	<a href="http://vimeo.com/239389">http://vimeo.com/239389</a>
<b>7</b>	1222894	Capitol Sched. A (original)	Blur	We've Got A File On You	<a href="http://vimeo.com/1222894">http://vimeo.com/1222894</a>
<b>10</b>	187587	Capitol Sched. A (original)	Doves	Words	<a href="http://vimeo.com/channels/juliavids/page:2">http://vimeo.com/channels/juliavids/page:2</a>
<b>12</b>	198058	Capitol Sched. A (original)	Gorillaz	19-2000	<a href="http://vimeo.com/channels/juliavids/page:2">http://vimeo.com/channels/juliavids/page:2</a>
<b>14</b>	658399	Capitol Sched. A (original)	Lily Allen	Everything's Just Wonderful	<a href="http://vimeo.com/channels/4882">http://vimeo.com/channels/4882</a>
<b>15</b>	1252305	Capitol Sched. A (original)	Radiohead	Everything In Its Right Place	<a href="http://vimeo.com/1252305">http://vimeo.com/1252305</a>
<b>20</b>	1334655	Capitol Sched. B (original) [pre-72]	Beatles	Baby You're a Rich Man	<a href="http://vimeo.com/1334655">http://vimeo.com/1334655</a>
<b>21</b>	202585	Capitol Sched. B (original) [pre-72]	Beatles	Don't Let Me Down	<a href="http://vimeo.com/202585">http://vimeo.com/202585</a>
<b>23</b>	192834	Capitol Sched. B (original) [pre-72]	Beatles	Octopus's Garden	<a href="http://vimeo.com/192834">http://vimeo.com/192834</a>
<b>33</b>	214019	EMI Pub Sched. A (original)	Jackson 5	I Want You Back	<a href="http://vimeo.com/214019">http://vimeo.com/214019</a>
<b>35</b>	3212317	Capitol Sched. A (Amended)	Bird and the Bee	My Love	<a href="http://vimeo.com/3212317">http://vimeo.com/3212317</a>
<b>35</b>	3212317	EMI Pub Sched. A (original)	Bird And The Bee	My Love	<a href="http://vimeo.com/3212317">http://vimeo.com/3212317</a>
<b>37</b>	130432	EMI Pub Sched. A (original)	Natasha Bedingfield	Unwritten	<a href="http://vimeo.com/130432">http://vimeo.com/130432</a>
<b>58</b>	14617437	Capitol Sched. A (Amended)	Beastie Boys	Hey Ladies	<a href="http://vimeo.com/14617437">http://vimeo.com/14617437</a>
<b>59</b>	14551072	Capitol Sched. A (Amended)	Beastie Boys	Intergalactic	<a href="http://vimeo.com/14551072">http://vimeo.com/14551072</a>
<b>70</b>	239378	Capitol Sched. A (Amended)	Blondie	Call Me	<a href="http://vimeo.com/239378">http://vimeo.com/239378</a>
<b>88</b>	1202119	Capitol Sched. A (Amended)	Coldplay	Lovers in Japan/Reign of Love	<a href="http://vimeo.com/1202119">http://vimeo.com/1202119</a>
<b>95</b>	322309	Capitol Sched. A (Amended)	Daft Punk	Harder Better Faster Stronger	<a href="http://vimeo.com/322309">http://vimeo.com/322309</a>

**EXHIBIT A**

<b>MSJ Video No.</b>	<b>Vimeo ID</b>	<b>Schedule</b>	<b>Artist</b>	<b>Track</b>	<b>Vimeo URL</b>
<b>111</b>	8482051	Capitol Sched. A (Amended)	Fatboy Slim	Weapon Of Choice	<a href="http://vimeo.com/8482051">http://vimeo.com/8482051</a>
<b>129</b>	8940040	Capitol Sched. A (Amended)	Iggy Pop	China Girl	<a href="http://vimeo.com/8940040">http://vimeo.com/8940040</a>
<b>204</b>	302220	Capitol Sched. A (Amended)	We Are Scientists	Worth the Wait	<a href="http://vimeo.com/302220">http://vimeo.com/302220</a>
<b>215</b>	207723	Capitol Sched. B (Amended) [pre-72]	Beatles	Back in the U.S.S.R.	<a href="http://vimeo.com/207723">http://vimeo.com/207723</a>
<b>229</b>	5908057	Capitol Sched. B (Amended) [pre-72]	David Bowie	Rock 'N Roll Suicide	<a href="http://vimeo.com/5908057">http://vimeo.com/5908057</a>
<b>236</b>	150310	EMI Pub Sched. A (Amended)	Outkast	B.O.B.	<a href="http://vimeo.com/150310">http://vimeo.com/150310</a>
<b>238</b>	191603	EMI Pub Sched. A (Amended)	Flaming Lips	Do You Realize?	<a href="http://vimeo.com/191603">http://vimeo.com/191603</a>
<b>245</b>	233299	EMI Pub Sched. A (Amended)	Presidents of the United States of America	Lump	<a href="http://vimeo.com/233299">http://vimeo.com/233299</a>
<b>249</b>	222079	EMI Pub Sched. A (Amended)	Twista	Overnight Celebrity	<a href="http://vimeo.com/222079">http://vimeo.com/222079</a>